

Remarks

Claim 11 is sought to be amended. Upon entry of the foregoing amendment, claims 1-28 are pending in the application, with 1, 8, 11, and 27 being the independent claims. No new matter has been entered by any amendments.

Reconsideration of this Application is respectfully requested.

The Examiner is thanked for the indication of allowable subject matter in claims 15, 19, 20, and 26 and that claims 1-10 were allowed over the cited references.

Based on the above amendment and following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102(e) and 103(a)

Claims 11-14, 16-18, 25, and 27 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,814,425 to Kataoka et al. ("Kataoka"). Claims 21 and 22 were rejected under 35 U.S.C. § 103(a) ("103") as being unpatentable over Kataoka in view of an article to Kirk et al. ("Kirk"). Claims 23 and 28 were rejected under 103 as being unpatentable over Kataoka in view of U.S. Patent No. 5,923,423 to Sawartari et al. ("Sawartari"). Claim 24 was rejected under 103 as being unpatentable over Kataoka in view of U.S. Patent No. 4,732,483 to Biegen ("Biegen"). Applicant traverses these rejections.

Claim 11 recites at least illuminating periodic patterns in an object plane of an object space of the optical system, the object plane extending over a range of depths through the object space. Kataoka does not teach of this feature.

Kataoka teaches an object plane being parallel or substantially parallel to an image plane throughout the specification and figures. As noted by the Examiner, at col. 7, lines 58-62 Kataoka teaches that a curvature and tilt of an image plane of a projection lens as passed through the resist process can be detected. However, Kataoka does not teach or suggest illuminating periodic patterns in an object plane of an object space of the optical system, the object plane extending over a range of depths through the object space, as recited in claim 11. Support for this feature is found in a paragraph spanning

pages 9-10 in the instant specification discussing Figure 2, for example. None of the other applied patents or the article remedy the deficiency in Kataoka. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this rejection. Also, at least based on their dependency, claims 12-28 should also be found allowable over the applied patents and article.

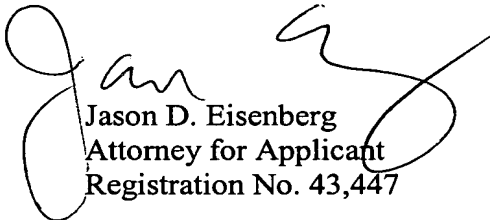
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Jason D. Eisenberg
Attorney for Applicant
Registration No. 43,447

Date: 9/30/04
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
SKGF_DC1: 306937.1